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NOTICE OF ALLOWANCE AND FEE(S) DUE

46369	7590	09/08/2008

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER
CHEN, QING

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 09/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,088	04/24/2001	Theodore G. Hoover JR.	POU920010016US1	4957

TITLE OF INVENTION: ORGANIZATION AND VISUALIZATION OF PERFORMANCE DATA IN SELECTED DISPLAY MODES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1440	$300	$0	$1740	12/08/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or <u>Fax</u>   (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

46369   7590   09/08/2008

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 COLUMBIA CIRCLE
ALBANY, NY 12203

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

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09/841,088	04/24/2001	Theodore G. Hoover JR.	POU920010016US1	4957

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nonprovisional	NO	$1440	$300	$0	$1740	12/08/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHEN, QING	2191	717-125000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❏ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❏ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered patent attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❏ Individual ❏ Corporation or other private group entity ❏ Government

4a. The following fee(s) are submitted:

❏ Issue Fee

❏ Publication Fee (No small entity discount permitted)

❏ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

❏ A check is enclosed.

❏ Payment by credit card. Form PTO-2038 is attached.

❏ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

❏ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❏ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.   OMB 0651-0033   U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

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46369 7590 09/08/2008	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C.	CHEN, QING	
5 COLUMBIA CIRCLE	ART UNIT	PAPER NUMBER
ALBANY, NY 12203	2191	

DATE MAILED: 09/08/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 2107 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 2107 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)
Notice of Allowability	09/841,088	HOOVER ET AL.
	Examiner	Art Unit
	Qing Chen	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment filed on June 9, 2008*.

2. ☒ The allowed claim(s) is/are *1,4,6-10,18,19,26,29,31-35,43,44,51,54,56-60,68 and 69, renumbered as 1-27*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

      a) ☐ All   b) ☐ Some*   c) ☐ None of the:

          1. ☐ Certified copies of the priority documents have been received.

          2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

          3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

1.   This Office action is in response to the amendment filed on June 9, 2008.

2.   **Claims 1, 4, 6-10, 18, 19, 26, 29, 31-35, 43, 44, 51, 54, 56-60, 68, and 69** are pending.

3.   **Claims 1, 4, 6, 7, 9, 10, 18, 19, 26, 29, 31, 32, 34, 35, 43, 44, 51, 54, 56, 57, 59, 60, 68, and 69** have been amended.

4.   **Claims 2, 3, 5, 11-17, 20-25, 27, 28, 30, 36-42, 45-50, 52, 53, 55, 61-67, and 70-72** have been cancelled.

5.   **Claims 1, 4, 6-10, 18, 19, 26, 29, 31-35, 43, 44, 51, 54, 56-60, 68, and 69** are allowed, renumbered as 1-27.

6.   The objections to Claims 14-22, 39-47, 50, and 64-72 are withdrawn in view of Applicant's cancellation of the claims.

7.   The 35 U.S.C. § 112, second paragraph, rejections of Claims 7, 8, 22, 24, 25, 32, 33, 47, 57, 58, and 72 are withdrawn in view of Applicant's amendments to the claims or cancellation of the claims.

8.   The 35 U.S.C. § 101 rejections of Claims 23-50 are withdrawn in view of Applicant's amendments to the claims or cancellation of the claims.

Examiner's Amendment

9.   An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with

Blanche E. Schiller (Reg. No. 35,670) on August 21, 2008.

The application has been amended as follows:

AMENDMENTS TO THE CLAIMS

Please amend Claims 9, 10, 26, 34, 35, 44, 51, 59, and 60 as follows:

9. (Currently Amended) The method of claim 1, wherein said selected display mode is

the function-centric display mode, and the thread data of a thread of said one or more threads

comprises data indicating an amount of system resources consumed by the thread when

executing a particular function of the at least one application.

10. (Currently Amended) The method of claim 1, wherein said selected display mode is

the thread-centric display mode, and the thread data of a thread of said one or more threads

comprises data indicating an amount of system resources consumed by the thread when

executing one or more functions of the at least one application.

26. (Currently Amended) A system of presenting data, said system comprising:

a computing unit to:

select a display mode for displaying thread data of one or more threads of

at least one application, said display mode comprising one of a function-centric

display mode and a thread-centric display mode, wherein said selecting comprises

dynamically switching, by a user, between said function-centric display mode and

said thread-centric display mode;

   display said thread data based on the selected display mode, wherein if the

selected display mode is the function-centric display mode, focus is on what

happens within one or more functions of the at least one application, and the

display comprises displaying a hierarchical structure which includes one or more

functions having a parental relationship to the one or more threads, the

hierarchical structure including corresponding thread data for each of the one or

more threads of the one or more functions, and wherein a function includes

accumulated thread data of a plurality of threads children to the function; and

   if the selected display mode is the thread-centric display mode, focus is on

thread activity, and the display comprises displaying a hierarchical structure in

which the one or more threads have a parental relationship to one or more other

components of said at least one application, the hierarchical structure including

corresponding thread data for each of the one or more threads, said corresponding

thread data of a thread including accumulated data of a plurality of components to

which the thread has a parental relationship.

   34. (Currently Amended) The system of claim 26, wherein said selected display mode is

the function-centric display mode, and the thread data of a thread of said one or more threads

comprises data indicating an amount of system resources consumed by the thread when

executing a particular function of the at least one application.

        35. (Currently Amended) The system of claim 26, wherein said selected display mode is

the thread-centric <u>display</u> mode, and the thread data of a thread of said one or more threads

comprises data indicating an amount of system resources consumed by the thread when

executing one or more functions of the at least one application.

        44. (Currently Amended) The system of claim 26, wherein the display~~ing~~ based on a

thread-centric display mode comprises presenting a plurality of data structures in an

organizational structure, said organizational structure being based on thread activities, and

wherein the presenting comprises using a hierarchical structure of: process data

structure→thread data structure→file data structure→function data structure.

        51. (Currently Amended) At least one program storage device readable by a machine,

tangibly embodying at least one program of instructions executable by the machine to perform a

method of presenting data, said method comprising:

        selecting a display mode for displaying thread data of one or more threads of at least one

application, said display mode comprising one of a function-centric display mode and a thread-

centric display mode, wherein said selecting comprises dynamically switching<u>, by a user,</u>

between said function-centric display mode and said thread-centric display mode;

displaying said thread data based on the selected display mode, wherein if the selected

display mode is the function-centric display mode, focus is on what happens within one or more

functions of the at least one application, and said displaying comprises displaying a hierarchical

structure which includes one or more functions having a parental relationship to the one or more

threads, the hierarchical structure including corresponding thread data for each of the one or

more threads of the one or more functions, and wherein a function includes accumulated thread

data of a plurality of threads children to the function; and

if the selected display mode is the thread-centric display mode, focus is on thread

activity, and said displaying comprises displaying a hierarchical structure in which the one or

more threads have a parental relationship to one or more other components of said at least one

application, the hierarchical structure including corresponding thread data for each of the one or

more threads, said corresponding thread data of a thread including accumulated data of a

plurality of components to which the thread has a parental relationship.

59. (Currently Amended) The at least one program storage device of claim 51, wherein

said selected display mode is the ~~function- centric~~function-centric display mode, and the thread

data of a thread of said one or more threads comprises data indicating an amount of system

resources consumed by the thread when executing a particular function of the at least one

application.

60. (Currently Amended) The at least one program storage device of claim 51, wherein

said selected display mode is the thread-centric display mode, and the thread data of a thread of

said one or more threads comprises data indicating an amount of system resources consumed by

the thread when executing one or more functions of the at least one application.

-- END OF AMENDMENT --

Reasons for Allowance

10.   The following is an Examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the

other claimed limitations, "wherein said selecting comprises dynamically switching, by a user,

between said function-centric display mode and said thread-centric display mode; display said

thread data based on the selected display mode, wherein if the selected display mode is the

function-centric display mode, focus is on what happens within one or more functions of the at

least one application, and the display comprises displaying a hierarchical structure which

includes one or more functions having a parental relationship to the one or more threads, the

hierarchical structure including corresponding thread data for each of the one or more threads of

the one or more functions, and wherein a function includes accumulated thread data of a plurality

of threads children to the function; and if the selected display mode is the thread-centric display

mode, focus is on thread activity, and the display comprises displaying a hierarchical structure in

which the one or more threads have a parental relationship to one or more other components of

said at least one application, the hierarchical structure including corresponding thread data for

each of the one or more threads, said corresponding thread data of a thread including

accumulated data of a plurality of components to which the thread has a parental relationship" as

recited in independent Claims 1, 26, and 51.

The closest cited prior art, the combination of US 6,611,276 (hereinafter "Muratori"), US

6,016,474 (hereinafter "Kim"), US 6,539,390 (hereinafter "Kiczales"), and US 6,553,564

(hereinafter "Alexander"), teaches a graphical user interface (GUI) that includes state indicators

which show states of execution of threads running in microengines of a processor. However, the

combination of Muratori, Kim, Kiczales, and Alexander fails to teach "wherein said selecting

comprises dynamically switching, by a user, between said function-centric display mode and said

thread-centric display mode; display said thread data based on the selected display mode,

wherein if the selected display mode is the function-centric display mode, focus is on what

happens within one or more functions of the at least one application, and the display comprises

displaying a hierarchical structure which includes one or more functions having a parental

relationship to the one or more threads, the hierarchical structure including corresponding thread

data for each of the one or more threads of the one or more functions, and wherein a function

includes accumulated thread data of a plurality of threads children to the function; and if the

selected display mode is the thread-centric display mode, focus is on thread activity, and the

display comprises displaying a hierarchical structure in which the one or more threads have a

parental relationship to one or more other components of said at least one application, the

hierarchical structure including corresponding thread data for each of the one or more threads,

said corresponding thread data of a thread including accumulated data of a plurality of

components to which the thread has a parental relationship" as recited in independent Claims 1,

26, and 51.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/QC/
August 23, 2008

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191